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COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
DEPARTMENT OF ENVIRONMENTAL HEALTH POLICY AND PROCEDURE
INCOMPATIBLE ACTIVITIES
SEPTEMBER 18, 1998

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THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

PURPOSE:

Pursuant to Government Code, Sections 1125-1127, and Board of Supervisors' Resolution No. 41 of February 29, 1972, each appointing authority of the County of San Diego is required to formulate rules specifying the activities for compensation, outside of County paid employee duties, which are inconsistent and incompatible with their duties as County employees. In compliance with this rule, the Department of Environmental Health has developed this policy.

BACKGROUND:

On September 8, 1998, the Chief Administrative Officer (CAO) updated the rules originally issued June 15, 1983, regarding Incompatible Activities Law and Conflict of Interest (Admin. Manual, 0010-3), pursuant to Government Code Sections 1125-27.

These Rules require each appointing authority: "... to formulate rules specifying those activities for compensation outside of the normal duties of officers and employees under its jurisdiction which are incompatible to or in conflict with their duties as County officers and employees."

CAO Policy also requires all County employees to complete the: (1) Disclosure Statement (AUD 263) and (2) Statement of Economic Interest (Form 700) for certain designated classifications.

POLICY:

It is the Department of Environmental Health's (DEH) Policy that "Rules for Incompatible Activities" shall be adopted as Department policy. This Policy delineates and adopts those Rules. Additionally, all employees shall submit Disclosure Cards (AUD 263) on a semi-annual basis. A Statement of Economic Interest (Form 700) shall be submitted annually, for designated employees, as outlined in this Policy. These forms shall be reviewed, signed, and dated by the Appointing Authority or designee.

Overall, it is the Department's Policy, in accordance with the Civil Service Rules of the County of San Diego, that: Department of Environmental Health employees shall not engage, at any time, in any outside employment, or in any outside business activity or enterprise which is inconsistent, incompatible, in conflict with or inimical to assigned duties as a County employee or the duties, functions or responsibilities of the appointing authority and the Department.

RULES FOR INCOMPATIBLE ACTIVITIES:

The Administrative Manual requires that Department Heads establish rules governing Incompatible Activities and Conflict of Interest. Following are DEH's Rules for Incompatible Activities:

- I. Any activity which involves the use for private gain or advantage of County time or facilities, including the following:
 - A. Any outside employment which results in receipt of frequent telephone calls or visitors by the employee while the employee is on duty at his/her County employment.
 - B. Use of County facilities to repair or manufacture items which are not to be used for County purposes.

- II. Any activity which involves the use for private gain or advantage the uniform, prestige, or influence of the individual's County employment, including the following:
- A. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, - compensation, or favors from business firms or their agents who deal with this department.
 - B. Using official information not readily available to the general public, gained in the course of County employment, for private gain or advantage of another.
 - C. Presenting themselves as a DEH representative, outside of their normal duties and responsibilities, for private gain.
 - D. Using the badge, or County ID to gain personal favor or advantage.
- III. Any activity which involves employee receipt of money or other consideration from private parties for the performance of acts which the employee is expected to render in the regular course of his/her duties as a County employee, including the following:
- A. Any consultation work for a fee concerning the application or interpretation of orders of this Department.
 - B. Retention of a fee for testimony prepared and/or presented during the course of regular County employment.
 - C. Performing research for private gain into County records that would not be done for any member of the public requesting such information.
 - D. Expediting the payment of claims or processing' of applications for private gain.
- IV. Any activity, which is in conflict with the duties and responsibilities of the employee's Department, including the following:
- A. Any outside employment which will impair the employee's independence of judgement as to his/her County duties.
 - B. Any outside activity which will require or induce the employee to disclose confidential information acquired by the employee in the course of his/her County duties.
 - C. Assistance to any person who may bid on a contract with the County by providing privileged financial or other information obtained as part of his/her normal job responsibilities.
 - D. Teaching and/or employment as a trainer is subject to approval by the Director. In general, teaching is not a conflict if the employee is employed by a University or College, does not use County equipment in class, does not disclose confidential, or official information not readily available to the public, and meets all other conditions within this policy.
 - E. Referrals to the private sector for environmental health related services shall be done in such a way as to avoid any appearance of favoritism. Generally, this shall be accomplished by giving the client the right of final selection from a list of not less than three firms.

- V. The following activities in which a part of the employee's efforts may be subject to approval, review, control, or audit by another employee, officer, board, or commission of the County of San Diego:
- A. Employment full-time or part-time by any organization which is under contract to a County agency or Department.
 - B. Providing consulting services, for private gain, on a project that will be directly regulated by this Department. These activities will be subject to review by the Director and/or the appropriate Chief/Division Manager, and exceptions may be granted on a case-by-case basis, and upon condition the employee not make referrals to an outside employer.
- VI. Any activity involving time demands which render the performance of County duties less efficient.
- A. Private work by a full-time employee which exceeds sixteen hours per week will be reviewed by the Director and/or the appropriate Chief /Program Manager if his/her performance evaluation is below standard.
 - B. Any individual engaging in outside employment must complete and forward form (D.H. - 306) to the Departmental Personnel Officer at D561.

STANDARDS AND GUIDELINES:

1. Director's Requirement to File Statement of Economic Interest:

The Director of the Department of Environmental Health is required by Administrative Manual Policy 0010-3 to complete a "Statement of Economic Interest" (Form 700) within 30 days of assuming office, leaving office, or changing economic status. The Director's Form 700 must be filed, reviewed and retained by the Chief Administrative Officer.

2. Director Determines Filing of Form 700:

Director is responsible for determining which D.H. positions must complete Form 700.

3. Disclosable or Reportable Interests:

The types of reportable interests are specified in the "Statement of Economic Interests for Designated Employees" Manual and Form 700.

In general, the kinds of interests which may have to be reported on Form 700 C include:

- Investments from sources within the County of San Diego
- Interests in real property and investments from sources within the County of San Diego
- Income from sources within the County of San Diego
- Loans from sources within the County of San Diego
- Gifts from sources within or outside the County of San Diego
- Honoraria from sources within or outside the County of San Diego
- Business positions held in a business entity within the County of San Diego

4. Disclosure Cards:

- a) Current Employees - Each employee in the Department of Environmental Health is required to complete a Disclosure Statement (AUD 263) on a semi-annual basis.
- b) New Employees - New employees are required to submit a Disclosure Card (AUD 263) within 10 work days of their appointment.
- c) The Director will complete a Disclosure Statement on a semiannual basis and submit it to the CAO for review, approval, and retention.

5. Outside Jobs:

Outside jobs are generally allowed, unless the job conflicts with the Department of Environmental Health "Rules for Incompatible Activities Employees with second jobs shall not be limited to a specified number of hours, unless the work adversely affects or is incompatible with his/her County job. In these cases, adverse work habits will be addressed as a disciplinary issue.

6. Review of Disclosure Cards and Statement of Economic Interest:

The Appointing Authority or designee shall review each Disclosure Statement (AUD 263) and Statement of Economic Interest (700). This review shall "...identify any potential conflict of interest or incompatible activity."

In the Department of Environmental Health, the review of cards is delegated to the Chief/Program Managers and Personnel Officer or designees. Each card must be initialed and dated to indicate that the review has been completed.

- 1. Disclosure Cards without Conflicts: For Cards without any listed outside activities or conflicts, the Personnel Officer may delegate the reviewing, initialing and dating to the Personnel Aide.
- 2. Disclosure Cards With Potential Conflicts: For cards with outside activities or potential conflicts, the Chiefs/Program managers or designees must also sign and date the form. These cards are then reviewed and signed by the Director, Assistant Director, Personnel Officer or designee.
- 3. Statement of Economic Interests will be reviewed and signed by either the Director, Assistant Director, or Departmental Personnel Officer.

7. Failure to Submit Statement of Economic Interest/Disclosure Card:

Employees failing to submit completed forms on a timely basis are subject to disciplinary action.

8. Investigation/Appeals:

The Chiefs/Program Managers are responsible for reviewing, investigating and reporting on possible conflicts or incompatible activities. When a conflict is found, the Chief shall submit a copy of his/her report to the Appointing Authority for a determination. A copy "shall be filed in the Personnel/ Payroll Office.

In accordance with Rule VIII of the San Diego County Civil Service Rules:

"If an appointing authority determines that such employment, business activity or activity is inconsistent, incompatible, in conflict, or inimical as aforesaid, the employee shall be ordered to refrain therefrom; provided, however, that the employee may appeal such order to refrain in the manner provided in Rule VII appeal from an order of suspension, demotion or removal."

9. Personnel Section Reporting & File Retention Responsibilities:

The Personnel Officer has the following responsibilities:

- a) Files periodic reports with the Appointing Authority regarding compliance with this policy, potential conflicts, and other related issues.
- b) Retains all forms for 2 years (including current year).

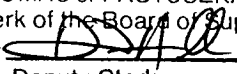
PROCEDURES:

E. Statement of Economic Interests:

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| Personnel Section | 1. | Issues the Statement of Economic Interest (Form 700) to designated employees. |
| Employee | 2. | Completes Form 700 and submits the form to respective supervisors on timely basis. |
| Chief/Designee | 3. | <ul style="list-style-type: none"> a. Reviews and analyzes the form for compliance with this policy. b. Signs and dates the form or takes corrective action. c. Submits the form to the Personnel Section. |
| Personnel Section | 4. | <ul style="list-style-type: none"> a. Reviews each Form 700 for completeness and compliance with this policy. b. Initials and dates those Form 700's, where no conflict is reported or suspected. c. Maintains master list of designated employees; posts the receipt of forms to the master list; and ensures that a Form 700 is completed annually for designated employees assuming or leaving office. |

B. Disclosure & Statements:

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| Personnel Section | 1. | Issues Disclosure Statements (AUD 263) and an instruction memo with the employee timesheet or paycheck. |
| Employee | 2. | Completes Form 263 and submits the Form to his/her Chief/Division Manager or designee. |
| Chief/Designee | 3. | <ul style="list-style-type: none"> a. Reviews Form 263; signs and dates it; and submits it to Personnel/Payroll. b. Refers potential conflicts to the Personnel Officer for review. Takes corrective action, as needed. |
| Personnel Section | 4. | <ul style="list-style-type: none"> a. Reviews AUD 263's for completeness. b. Investigates potential conflicts with employees, supervisor or Chief. c. Reviews, initials and dates AUD 263's when supervisor's initials are absent and no conflicts are declared. d. Posts the receipt of AUD 263's to master alpha list. e. Ensures AUD 263 is completed for each current employee. f. Files Disclosure cards and alpha list. |

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date: 11/10/98 Minute Order No. 42
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By 
Deputy Clerk